

# BURKINA FASO 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

From January 24 to September 30, Burkina Faso was under military rule led by Lieutenant Colonel Paul-Henri Damiba, and after September 30, led by Captain Ibrahim Traore, who unseated Damiba. The authorities agreed with the Economic Community of West African States to a transition period of 24 months, which would end in July 2024. Prior to the January coup d'état, the government was run by President Roch Marc Christian Kaboré, who was reelected president in November 2020 for a second five-year term. National and international observers characterized the 2020 presidential and legislative elections as peaceful and “satisfactory,” with credible results. In the 2020 elections, President Kaboré’s party – the People’s Movement for Progress – won 56 seats in the 127-seat National Assembly, remaining the largest party in a legislative majority coalition.

The Ministry of Territorial Administration and Security and the Ministry of Defense are responsible for internal security. The Ministry of Territorial Administration and Security oversees the National Police. The army, air force, and National Gendarmerie, which operate within the Ministry of Defense, are responsible for external security but sometimes assist with missions related to domestic security. In January 2020 the government established the Volunteers for the Defense of the Fatherland (*les Volontaires pour la Défense de la Patrie*), a civilian support corps for state counterterrorism efforts with rudimentary oversight from military and law enforcement. In June the transition government created a new operational structure to oversee more effectively the participation of the community-based volunteers in the country’s defense and prevent human rights abuses of which they had been accused. The new entity, called the “Patriotic Watch and Defense Brigade,” is responsible for the operational coordination of all civil defense forces, with an emphasis on intelligence collecting, the primary role for which the volunteers were originally designed. On October 24, the transition government announced the recruitment of 50,000 volunteers as part of “the fight against terrorism,” according to the government. The volunteer militias are to be based in each of the more than 300 municipalities in the country. Civilian

authorities did not maintain effective control over security forces, and there were credible reports that state-sponsored militias committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by security forces and killings by state-sponsored militias and extremist groups; enforced disappearances by security forces and disappearances by extremist groups; harsh and life-threatening prison conditions; serious abuses in an internal conflict, including widespread civilian harm, abductions, torture, physical abuse or punishment, and restrictions on free expression and media, including violence or threats of violence against journalists; serious acts of corruption; lack of investigation and accountability for gender-based violence, including but not limited to domestic or intimate partner violence, sexual violence, child, early and forced marriage, and female genital mutilation/cutting; crimes involving violence or threats of violence targeting members of national, racial, and ethnic minority groups; and trafficking in persons.

The government investigated and punished some cases of abuse; nevertheless, impunity for human rights abuses and corruption remained widespread.

The country experienced deadly attacks by violent extremist organizations during the year. Jama'at Nasr al-Islam wal Muslimin (Group for the Support of Islam and Muslims), the Islamic State in the Greater Sahara, and other armed groups, such as the homegrown Ansaroul Islam, perpetrated numerous attacks resulting in hundreds of civilian deaths as well as scores of deaths among government security forces and state-sponsored militias. Security incidents included improvised explosive device attacks; targeted killings; kidnappings; attacks on mining sites (especially gold mines); burning of schools, medical centers, and homes; and theft of cattle, vehicles, and food assistance. These incidents contributed to a humanitarian crisis and the internal displacement of more than 1.7 million persons. The transition government estimated as of midyear that violent extremist organizations controlled approximately 40 percent of the country's territory. The government detained several hundred suspected violent extremists, including several children.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the state security forces committed arbitrary or unlawful killings during the year (see section 1.g., Killings).

There were reports that state-sponsored militias, known as the Volunteers for the Defense of the Fatherland (*Volontaires pour la defense de la Patrie*, VDPs), committed killings (see section 1.g., Killings).

There were numerous reports that violent extremist groups committed killings. Multiple sources reported that violent extremists killed hundreds of civilians, members of the security forces, and members of state-sponsored militias (see section 1.g., Killings). There were several accounts of criminal groups working in concert with terrorist organizations and drug traffickers, killing gendarmes, police, and members of state-sponsored militias.

On April 6, a court delivered a verdict on a case involving the 2019 deaths of 11 detainees under the custody of an antidrug police unit. The court gave seven policemen suspended sentences, including a fine of 500,000 CFA (\$830) and three months of suspended imprisonment. The court ordered the government to pay compensation to the families of the victims, totaling 10 million CFA (\$177, 000). The government admitted the cell was overpopulated, as 30 detainees were held in a space intended for a maximum of 12.

On April 6, former President Blaise Compaore, who ruled the country for 27 years and currently lives in Cote d'Ivoire, was found guilty for his role in the 1987 assassination of former President Thomas Sankara and 12 others. Compaore and key allies, including former head of presidential security Hyacinthe Kafando and General Gilbert Diendere, were sentenced to life in prison. Seven other coconspirators received prison sentences ranging from 3-20 years. Three additional defendants, two charged with falsifying Sankara's death certificate and one with complicity in the assassination, were acquitted.

On September 22, three defendants were convicted for the death of a student in

1990 during former President Blaise Compaore's crackdown on student strikes and protests. The defendants received prison sentences ranging between 10 and 30 years; two of them were already in jail serving out sentences for the 1987 assassination of Sankara. The third was tried in absentia. The convictions came 32 years after the assassinations, partly because the former presidents were allegedly close to the defendants, according to analysts and rights organizations.

On June 11, violent extremists attacked Seytenga, some 40 kilometers from Dori in the country's northern Sahel Region. According to reports, the extremists went door to door executing civilians who were believed to be cooperating with the security forces. Local media reported more than 100 civilians killed, but the transition government spokesperson put the number at 86.

## **b. Disappearance**

There were reports of disappearances by or on behalf of security forces and state-sponsored militias during the year (see section 1.g., Abductions).

There were numerous reports of disappearances of civilians by violent extremist groups (see section 1.g., Abductions).

In an August 30 statement on the International Day of the Disappeared, the International Committee of the Red Cross (ICRC) stated that more than 340 requests to search for separated or missing persons were registered between January and June.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and law prohibit such practices. The Collective Against Impunity and Stigmatization of Communities (CISC) and the Burkinabe Movement for Human and Peoples' Rights alleged numerous instances of torture committed by state-sponsored militias. Most allegations of torture involved victims suspected of having links to extremists or persons of Fulani/Peuhl ethnicity (see section 1.g.).

On May 21, CISC called for an investigation after the death of a terrorist suspect, Hampathe Sidibe, in gendarmerie custody in Ouagadougou. According to CISC,

Sidibe, a prince of the emirate of Barani, was arrested May 6 in Barani, a town in the country's western Boucle du Mouhoun Region, near the Mali border, and died on May 16. Similarly, CISC reported that Hamadoum Dicko also died on May 15 in gendarmerie custody in Ouagadougou after he was arrested in front of a school in Ouagadougou for selling "chicha," an illegal intoxicant, to students. His relatives alleged that Dicko died of torture. CISC reported that Dicko's father has been an inmate in Ouagadougou's High Security Prison for the past three years.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention facilities were harsh and at times life threatening due to overcrowding and inadequate sanitary conditions and medical care.

**Abusive Physical Conditions:** The Ministry of Justice and Human Rights' most recent report on prison statistics, covering 2020, indicated the country had 7,401 persons incarcerated nationwide, an occupancy rate of 142 percent of capacity. Authorities held pretrial detainees in the same locations as convicted prisoners. The High Security Prison in Ouagadougou, which housed mostly suspected extremists, was at more than double its designed capacity. Almost all inmates were in pretrial detention.

Female prisoners had better conditions than those of men, in large part due to less crowding. Some infants and children younger than age five accompanied their inmate mothers. There were no appropriate facilities or installations for prisoners or detainees with disabilities, and persons with disabilities relied on other inmates for assistance.

Food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate in most detention facilities across the country. Tuberculosis, HIV, AIDS, and malaria were the most common health problems among prisoners. For example, at the High Security Prison, there were three nurses employed to treat more than 900 detainees and prisoners, with no doctor present on site but available on call. Detention conditions were better for wealthy or influential citizens or detainees considered nonviolent.

Prisoners received two meals a day, but diets were inadequate, and inmates often

relied on supplemental food from relatives. Some prisons lacked adequate ventilation, although occasionally cells had electricity and fans. Sanitation was rudimentary.

**Administration:** The government did not provide information on investigations into allegations of mistreatment in prisons.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers. The ICRC and the Burkinabe Movement for Human and People's Rights (*le Mouvement burkinabe des droits de l'homme et des peuples* - MBDHP) were able to visit prisoners in some facilities throughout the country, including the High Security Prison.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of persons to challenge the lawfulness of their arrest or detention in court. Arbitrary arrests occurred, however, and lack of access to defense counsel and inadequate staffing of the judiciary prevented many detainees from seeking pretrial release in court. The MBDHP and CISC received hundreds of new cases of persons reported missing by their families during the year.

#### **Arrest Procedures and Treatment of Detainees**

By law police and gendarmes must possess a court-issued warrant based on sufficient evidence before apprehending a person suspected of committing a crime, but authorities did not always follow these procedures. Authorities did not consistently inform detainees of charges against them. Detainees have the right to expeditious arraignment, bail, access to legal counsel, and, if indigent, access to a lawyer provided by the government after being charged. In practice, however, attorneys were not appointed until trial began. A judge may order temporary release without bail pending trial. Authorities seldom respected these rights. The law provides detainees access to family members through court-issued authorizations.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period. In terrorism investigations the

law allows detention for a 15-day period with an extension of 10 days. In cases not related to terrorism, police did not always comply with the law, and the average time of detention without charge (preventive detention) was one week. Once authorities charge a suspect, the law permits investigative judges to impose an unlimited number of consecutive six-month preventive detention periods while they investigate charges. Authorities often detained defendants without access to legal counsel for weeks, months, or even years before the defendant appeared before a magistrate. There were instances in which authorities detained suspects incommunicado.

**Arbitrary Arrest:** Local independent rights groups alleged that security forces regularly arrested individuals arbitrarily for suspected involvement in terrorism. An official with the Ministry of Justice reported that hundreds of individuals detained at the High Security Prison remained in detention without being charged. Judiciary leaders decried what they saw as a “broad net” cast by security forces in the field, whom they suspected of rounding up large groups of suspects without sufficient cause.

**Pretrial Detention:** In many cases authorities held detainees without charge or trial for periods longer than the maximum sentence for conviction of the alleged offense; this was especially true in cases involving terrorism, including children detained for alleged association with armed groups. While a pretrial release (release on bail) system existed, the extent of its use was unknown. Authorities estimated 52 percent of prisoners nationwide were in pretrial status, but local independent rights groups estimated it to be as high as 70 percent. Local media regularly reported on cases of persons detained more than one year without trial. Some terrorism suspects were held for years awaiting trial.

## **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, but according to nongovernmental organizations (NGOs), the judiciary was corrupt, inefficient, and subject to executive influence. Regarding impunity, the United Nations High Commissioner for Human Rights (UNHCHR) noted the July 8 return of former President Blaise Compaore, sentenced to life imprisonment in former President Thomas Sankara’s assassination; the transition government organized Compaore’s

return but did not act on the arrest warrant against him. There were no instances in which the trial outcomes appeared predetermined, however, and authorities respected court orders. Legal codes were often outdated, there were not enough courts, and legal costs were excessive. Citizens' lack of knowledge of their rights further weakened their ability to obtain justice. The reluctance of private defense lawyers to represent terrorist suspects in criminal cases was a problem, due to both lack of funds to pay appointed counsel and the social stigma associated with representing accused extremists.

Nearly six years after the government's first arrests of persons implicated in extremist violence and after multiple delays, the country held its first criminal terrorism trials in August 2021. The court acquitted one defendant, while five others were convicted and sentenced to between 10 and 21 years in prison. International observers raised concerns with the conduct of the trials, including a lack of legal representation for the accused. Two convicted defendants appealed their convictions.

Military courts try cases involving military personnel charged with violating the military code of conduct. In certain rare cases, military courts may also try cases involving civilian defendants. Rights provided in military courts are equivalent to those in civil criminal courts. Military courts are headed by a civilian judge, hold public trials, and publish verdicts in the local press.

## **Trial Procedures**

The law presumes defendants are innocent. Defendants have the right to be informed promptly and in detail of the charges, with free assistance of an interpreter. Trials are public but may be delayed. Defendants have the right to be present at their trials and to legal representation, consultation, and adequate time and facilities to prepare a defense. Defendants have the right to provide evidence. Defendants have the right not to be compelled to testify or confess guilt, but a refusal to testify often resulted in harsher decisions. Defendants may challenge and present witnesses, and they have the right of appeal. In criminal cases court-appointed lawyers are mandatory for those who cannot afford one. The government did not always respect these rights, due in part to a shortage of magistrates and court-appointed lawyers. On January 10, during the Thomas



Sankara trial, the court allowed two witnesses to testify by video conference for the first time in the country's history.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees during the year.

### **Civil Judicial Procedures and Remedies**

There is an independent judiciary in civil matters, but it was often seen as inefficient, corrupt, and subject to executive influence. As a result, citizens sometimes preferred to rely on the Office of the Ombudsman to settle disputes with the government.

The law provides for access to a court to file lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs. Victims of human rights violations may appeal directly to the Economic Community of West African States Court of Justice, even before going through national courts. For civil and commercial disputes, authorities may refer cases to the Organization for the Harmonization of Business Law in Africa (*Organization pour l'harmonisation du droit des affaires en Afrique*) court. The courts issued several such orders during the year.

There were problems enforcing court orders in sensitive cases involving national security, wealthy or influential persons, and government officials.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions. In cases of national security, however, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. The penal code permits wiretapping in terrorism cases, to be authorized by the president of a tribunal for a limited term. Investigative judges have the authority to authorize audio recording in private places. The national intelligence service is authorized to use technology for surveillance, national security, and counterterrorism purposes. The state of

emergency, which stems from 2018, remained in effect in 14 provinces within seven of the country's 13 administrative regions in response to growing insecurity from extremist attacks. The state of emergency granted additional powers to the security forces to carry out searches of homes and restrict freedom of movement and freedom of peaceful assembly. The state of emergency, extended in June 2021, remains in effect. Authorities in the Sahel and Est Regions also ordered a curfew due to extremist attacks. On June 6, the transition legislative body adopted a law empowering the government to take measures by ordinance within the framework of the requirements of national defense. The law, which is like the law regulating the "state of siege," is a step beyond the state of emergency in place and is somewhat analogous to the imposition of martial law. This remains in effect until May 2023. According to international and local independent rights groups, the military employed informant systems to generate lists of suspected extremists based on anecdotal evidence. Violent extremist groups were widely reported to employ similar systems to identify civilians accused of aiding security forces; some of those identified suffered violence or death at the hands of extremists.

## **g. Conflict-related Abuses**

The country experienced numerous attacks by violent extremist organizations during the year, such as targeted killings; abductions; attacks on schools, health centers, and mining sites; and theft of food assistance, contributing to a humanitarian crisis and creating significant internal displacement. Extremists including Jama'at Nasr al-Islam wal Muslimin (Group for the Support of Islam and Muslims), the Islamic State in the Greater Sahara, and Ansaroul Islam committed numerous killings and other abuses. Security forces and state-sponsored militias also were implicated in killings and other abuses.

**Killings:** Both security forces and state-sponsored militias were implicated in or credibly accused of abuses against civilians, including killings. On April 24, the transition government denied allegations that security forces killed as many as 100 civilians during a series of operations that began in early April. The transition government announced it will pursue an official investigation into those deaths. The allegations, first reported by *Radio France International* and by a local private broadcaster, claim the killings took place during large-scale operations in the Oudalan province in the Nord Region.

On August 8, the Observatory for Human Dignity (ODH) reported that more than 50 unarmed civilians were abducted and summarily executed by state defense and security forces, including the state-sanctioned militias in Tougouri, a rural commune in Namentenga province, Centre-Nord Region, along the Kaya-Dori axis of National Road 3. According to ODH, almost all the victims were Fulani, including women and children. Some victims were arrested at the Tougouri market and others at their homes. On August 13, CISC asserted that some 40 bodies were piled up in sets of five or 10 along the Taffogo-Bouroum road, Centre-Nord Region. CISC described the alleged perpetrators of these kidnappings and executions as being elements of the defense and security forces, dressed in black uniforms and hooded, and revealed that the victims were blindfolded with their hands tied. The transition government under former President Damiba denied these accusations and assured that the army had initiated an investigation to determine the veracity of the allegations. The transition government said if the allegations are confirmed, the responsible members of the defense forces would be punished.

From July 1 to mid-September, UNHCHR reported 45 incidents, with 224 civilian victims killed. UNHCHR noted an increase in women associated with violent extremism, not as combatants but in support roles including communications, supply, and logistics.

Between January and August, the Armed Conflict Location & Event Data Project recorded more than 420 instances of violence against civilians. Violent extremist groups killed hundreds of civilians between January and September. Such violent extremist groups frequently targeted villagers suspected of collaborating with state-sponsored militias and security forces, or simply killed civilians in retribution for losses inflicted by security forces. According to a local think tank that specializes in security, between March 10 and 14, nearly 50 persons, both civilians and military, were killed in five separate attacks in the country's Centre-Nord and Sahel Regions. In attacks on March 12 and 14, at least 24 artisanal miners were killed by extremists who stormed their mining sites in the Sahel, and in May, 173 persons died, including 157 civilians and 16 defense volunteers in the 61 incidents recorded in which violent extremist groups perpetrated numerous attacks against civilians throughout the year (see section 1.a.). On May 25, violent extremists

killed 50 civilians fleeing the rural commune of Madjoari, Kompienga province, Est Region. The survivors of the attack stated that they attempted to flee because food had run out in the town. On October 15, extremists killed at least 11 persons, including three soldiers, in the town of Silmague, Centre-Nord Region.

Improvised explosive device (IED) attacks remained pervasive during the year. Armed groups took advantage of poor road maintenance to plant IEDs in potholes and ditches in efforts to ambush security forces and state-sponsored militias, which also led to the deaths of civilians. On March 13, two passengers were killed when their bus hit an IED while travelling along the major paved road that connects the major cities of Kaya and Dori. On September 5, 37 civilians, mostly women and children, died after their bus hit an IED on the Djibo-Bourzanga road in the north of the country. Bourzanga is 97 miles from the capital Ouagadougou, where the bus was headed as part of a 90-vehicle convoy. On September 6, an IED killed two gendarmes in Ouanobou, Centre-Nord Region. On September 26, more than 40 persons, including 27 soldiers, were killed during a complex attack against a 100-vehicle convoy on the road between Gaskindé and Djibo, in the Sahel Region.

The government has brought no charges regarding a 2019 attack by members of a community-based armed group (the Koglweogo) against Fulani herding communities in Yirgou outside the town of Barsalogho, an attack that killed 46 civilians. Officially, the investigation was still open.

According to the *Conduct in UN Field Missions* online portal, in 2021 there were two allegations of sexual exploitation and abuse by Burkina Faso peacekeepers deployed to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, both concerning alleged transactional sex with an adult involving Burkinabe police personnel. In both cases, UN payments were suspended pending the results of the investigation, which continued at year's end.

**Abductions:** Violent extremists kidnapped dozens of civilians throughout the year, including international humanitarian aid and medical workers. The assailants sometimes kidnapped health workers for a temporary period to obtain medical assistance.

On April 4, violent extremists kidnapped an American citizen who was living in

Yalgo, Center Nord Region. The individual was released on August 30. On April 27, a Polish national was kidnapped near the village of Sakoani in the Tapoa province, Est Region.

**Physical Abuse, Punishment, and Torture:** According to local media reports, dozens of women and young girls were ambushed when they ventured into the bush in search of fuel for their cook stoves, blindfolded, and then moved by motorcycle to violent extremist camps for several hours or days and raped by their abductors. On July 13, extremists abducted a group of approximately 20 young women and girls in Nord Region and later released them in a village near Ouahigouya, the regional capital. On July 16, violent extremists abducted at least eight women in Titao, Nord Region. The women were abandoned several hours later approximately 20 miles from the abduction site.

Media reported that in early March, armed men whipped women in the Centre-Nord Region who returned to their abandoned villages to search for their belongings.

**Child Soldiers:** There were no reports of the government recruiting or using child soldiers. Nonetheless, according to UNICEF, children were being increasingly recruited by armed groups and are also victims of violence. UNICEF announced on July 22 that the country's defense and security forces had transferred some 400 children formerly associated with nonstate armed groups to the civil authorities since 2021. Of these children, approximately 300 were properly reintegrated. Those who were not remain in transit centers. During January local authorities committed 171 children to the care of proper families, local communities, and foster homes. On September 12, the transition government and the United Nations signed an agreement on the treatment of children who are detained by security forces during antiterror operations. The agreement stipulates that security forces must transfer children within three days of first contact to social services agencies for treatment and reintegration, and the children would be entitled to receive food, shelter, medical care, mental health care, and psychosocial support, using technical and financial support from UNICEF.

The government detained minors for alleged association with violent extremist groups, some of whom may be trafficking victims. The number of minors detained

during the year was estimated at between five and 15. Authorities held children in a high-security prison separately from adult detainees. They allowed international organizations and NGOs access to provide specialized care, including legal services. In many cases, authorities held detainees, including children, without charge or trial for longer periods than the maximum sentence for the alleged offense; this included terrorism cases. Detainees faced harsh conditions, including inadequate food and water, and poor sanitation, heating, ventilation, lighting, and medical care. On July 22, the chief prosecutor at the country's counterterrorism tribunal confirmed that cases of five minors among as many as 15 were ready for trial. Trials however were delayed further in part due to security insufficiencies at the courthouse. The country's judiciary is divided over whether to try minors using juvenile justice procedures, or as adults.

**Other Conflict-related Abuse:** On May 1, a truck hired by the health directorate of the Est Region and ACTION Contre la Faim, an international humanitarian NGO, was hijacked between Ouagarou and Matiacoali, Est Region, by extremists. The truck was en route to the Diapaga health district and was carrying pharmaceutical products, medical commodities, and World Food Program products. The truck was emptied, and all contents were stolen. The drivers were unharmed and were released along with the empty truck.

According to media reports, a tractor trailer loaded with food from a humanitarian organization was stolen by armed assailants on May 13 on the Kaya-Barsalogho Road, a major axis in the Centre-Nord Region. The food was destined for Internally Displaced Persons (IDPs) and the host population in Barsalogho. On April 23, a truck loaded with various goods and fuel was stolen by armed individuals in the same area.

On September 15, the World Food Program notified partners that two trucks carrying a total of 94 metric tons of food commodities were stolen on the Kaya-Dori road. The 94 metric tons of rice was destined to support more than 15,600 persons in need of immediate food assistance in crisis-affected areas for one month.

## Section 2. Respect for Civil Liberties

### a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for the press, but the government did not always respect this right. A June 6 law adopted by the transition legislative body empowering the government to take measures required for the national defense drew concerns among media organizations that feared the government could use the law to restrict freedom of expression for members of the press (see section 1.f.). The transitional government had not invoked the June 6 law by year's end.

In 2019 the National Assembly voted to amend the penal code banning journalists from reporting any security-related news to preserve national security and prevent the demoralization of the military “by any means.” Attempts to “demoralize” members of the military had previously been a crime.

A 2015 law decriminalized press offenses and replaced prison sentences with substantial monetary fines. Some editors complained that few newspapers or media outlets could afford such fines. Despite the reform, journalists occasionally faced criminal prosecution for libel and other forms of harassment and intimidation.

According to the 2021 *National Report on Burkinabe Press Freedom*, published on October 20 on the country's 24th National Press Freedom Day, the state of freedom of expression, including for members of the press, had deteriorated somewhat in recent years. Media organizations have also noted similar concerns since the advent of the first transition authorities in January.

**Freedom of Expression:** The 2019 revision of the penal code criminalizes communicating the position or movements of defense forces, or sites of national interest or of a strategic nature, and the publication of any terrorist crime scene without authorization. The amendment significantly increases penalties for the crime of publicly insulting another person if electronic communications are used to publish the insult; the law had previously prohibited persons from insulting the

head of state or using derogatory language with respect to the office. Local and international associations of journalists called for the rejection of the amendment as an unacceptable attempt to stifle freedom of expression. During the year the different governments under former Presidents Roch Kabore and Paul Henry Damiba appealed to the press's "patriotism," asking them to refrain from comments that could divide the citizens or distract from the ongoing counterterrorism effort.

On September 5, police arrested Ollo Mathias Kambou, a well-known activist, for allegedly insulting former transition President Damiba. Kambou was charged with "contempt of the Head of State." On October 4, Kambou received a six-month suspended jail sentence.

**Violence and Harassment:** On August 22, the car of Imhotep Bayala, a civil society activist known for his critiques of the transition government, was set on fire at his home in Ouagadougou. The MBDHP condemned this intimidation incident and called on the transition government to launch an investigation.

In mid-October, journalist Alain Traore received audio recordings of death threats after opining on relations with France on his satirical and well-attended radio show on *Radio Omega*. The authors, who considered the journalist to be pro-French, threatened to kill the journalist and burn down the radio station.

During the year approximately 12 cases of violent attacks or other acts of intimidation against journalists and other activists remained pending before the courts.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** In addition to prohibitions on publishing security-related information and insulting the head of state, the law prohibits the publication of shocking images or material that demonstrates lack of respect for the deceased. Journalists practiced self-censorship, fearing that publishing blatant criticism of the government could result in arrest or closure of their newspaper. Journalists were denied access to sites housing internally displaced persons during the year.

On December 3, the transition government suspended *Radio France International*



with immediate effect, alleging the radio station diffused terrorist propaganda and dissuaded readers from joining volunteer units to defend the country.

## **Internet Freedom**

The law permits a judge, at the request of a “public minister” (prosecutor), to block internet websites or email addresses being used to spread “false information” to the public. In practice, the government did not restrict or disrupt access to the internet; however, the *Conseil Supérieur de la Communication* and the chief prosecutor monitored internet websites and discussion forums to enforce compliance with regulations.

## **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, but the government at times restricted these rights.

### **Freedom of Peaceful Assembly**

Political parties and labor unions may hold meetings and rallies without government permission, although advance notification and approval are required for public demonstrations that may affect traffic or threaten public order. If a demonstration or rally results in violence, injury, or significant property damage, penalties for the organizers include six months’ to five years’ imprisonment and substantial fines. These penalties may be doubled for conviction of organizing an unauthorized rally or demonstration. Demonstrators may appeal denials or imposed modifications of a proposed march route or schedule before the courts.

On August 12, demonstrators demanding the departure of the French ambassador and the end of cooperation agreements with France were dispersed with tear gas in Ouagadougou. The protest organizers were not granted permission for the event. During this demonstration, police arrested some protestors. Two leaders of the protest were presented to the Tribunal court in Ouagadougou for illegal demonstration. Court proceedings continued at year’s end.

## **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at

<https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

**In-country Movement:** The government required citizens to carry a national identity document, and it authorized officials to request the document at any time. Without a national identity card, citizens could not pass between certain regions of the country and were subject to arrest and fines.

In June the transition government created two “Areas of Military Interest,” one in the Soum province bordering Mali and the other grouping protected reserves between Pama and the W park, Est Region, forcing the populations to vacate their homes. According to a UN representative, fewer than 75,000 persons were residing in these areas reputed to be havens for jihadists.

Following the January 24 coup d’état, the transition government required former President Roch Kabore’s government members to ask for permission before traveling in country and departing the country. After the coup, Kabore was placed under house arrest in a villa in Ouagadougou. The house arrest was lifted after several months of confinement. In mid-August, the transition government allowed President Kabore to leave the country for the first time since his ouster in January, granting him permission to fly to the Middle East on medical grounds. He returned to Burkina Faso and appeared to enjoy freedom of movement.

In a June 22 order, the transition government suspended the importation, sale, and free distribution of motorized two-wheeled vehicles throughout the country. The measure aimed to reduce the mobility and operational capacity of armed groups but harmed the local populations because two-wheeled vehicles are the major form of transport for those outside of major population centers.

Of the country’s 13 regions, 96 percent of registered IDPs were in six regions: Nord, Boucle du Mouhoun, Centre-Nord, Nord, Est, and Centre-Est. The Ministry of Solidarity, Humanitarian Affairs, National Reconciliation, Gender, and Family had publicly stated that IDPs could not register in Ouagadougou, and humanitarian

actors were prevented from helping IDPs in the capital.

Armed extremists restricted movement of thousands of rural inhabitants throughout the country by planting IEDs on major highways, hijacking vehicles, and setting up checkpoints. In response to dozens of attacks by unknown armed groups presumed to be extremists, local authorities instituted a ban on motorcycle traffic from 7 p.m. to 5 a.m. in the Est, Sahel, and Nord Regions.

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, as well as to returning refugees, asylum seekers, stateless persons, and other persons of concern. UNHCR recorded approximately 33,530 refugees as of September, the vast majority from other countries in the Sahel.

**Access to Asylum:** The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. The Ministry of Solidarity, Humanitarian Affairs, National Reconciliation, Gender, and Family, aided by the National Committee for Refugees, is the focal point for coordination of national and international efforts.

**Freedom of Movement:** According to UNHCR, police arbitrarily arrested Fulani refugees traveling from the Sahel Region to Ouagadougou on multiple occasions, sometimes holding them in detention overnight before releasing them.

**Access to Basic Services:** According to UNHCR, public institutions such as banks, schools, and hospitals occasionally refused service to refugees on a discriminatory basis. As part of the Refugee Identity Card program, in collaboration with the National Commission for Refugees and the National Identification Office, UNHCR continued the enrollment operation for refugees hosted in the country. The issuance of these identity cards to refugees provides protection against arbitrary arrest and abusive detention, and helps facilitate refugees' access to basic services assistance, livelihood, and durable solutions.

**Temporary Protection:** The government agreed to offer temporary protection to

individuals who did not qualify as refugees, but there were no applicants during the year.

## **f. Status and Treatment of Internally Displaced Persons**

Recurrent armed attacks, interethnic clashes, and natural disasters throughout the country resulted in the displacement of more than 1.7 million persons as of September 30, according to the National Council for Emergency Relief and Rehabilitation (CONASUR). But according to other humanitarian sources, there were nearly two million IDPs in the country at the same period, based on data from the *Groupe de Coordination Opérationnelle de la Reponse Rapide*. In May former transition President Damiba's government asserted that the number of IDPs had undergone a considerable decrease from 1.9 million to 1.5 million. The announcement was met with skepticism. The sites hosting the largest number of IDPs were the northern cities of Djibo with 16 percent, Ouahigouya with 8 percent, and Kaya with 6 percent. Reports indicated that 23 percent of IDPs were women and 60 percent were children.

Humanitarian sources reported that nearly one-quarter of the country's population needed humanitarian aid, of which 1.7 million persons were IDPs, with many of those in isolated or difficult-to-reach locations, given continued insecurity.

During the year violent extremists permanently blockaded Djibo, a major trade hub, a livestock market, and a symbolically important city in the northern Sahel Region. Sources including government officials reported that some women and children have eaten only leaves and salt and that women have risked their lives by crossing lines of control at night in search of food. According to media reports, at least eight children died of malnutrition in May in Djibo.

Access by CONASUR and other humanitarian organizations to conflict-affected populations was limited by ongoing insecurity. The transition government delivered considerable quantities of food to Djibo in early October by helicopter. In late October the UN representative called for the government to reopen the road and allow convoys to go through without military escorts, which are contrary to UN principles. The UN representative emphasized that flying food aid to localities in country was costly and unsustainable. It implemented, in collaboration with

international partners, a response and support plan for vulnerable populations and food insecurity. Approximately 237 billion CFA francs (\$357 million) were mobilized to provide food assistance, but also to support production. On August 12, the transition government launched a large-scale food distribution and cash transfer operation for vulnerable persons and IDPs. The goal was to provide food to approximately 3.4 million persons, including 1.5 million receiving cash transfers and 1.8 million receiving free food distribution.

Violent extremists have limited humanitarian access to vulnerable populations in the country. During the year, humanitarian sources relied on the UN Humanitarian Air Service to reach populations in the Sahel, Nord, and Est Regions that have been inaccessible due to conflict. Also, during the year the United Nations provided food aid to 1.8 million persons and enabled another 740,000 persons to access health care in areas where health facilities have closed, and medical equipment is lacking. The United Nations also provided access to water, hygiene, and sanitation to 550,000 persons and nutritional support to 421,000 children and new mothers or pregnant women.

UNHCR and the government delivered more than 7,000 identity and civil status documents, including identity cards, as well as birth and nationality certificates, to IDPs and host community members in the Boucle du Mouhoun, Est, and Nord Regions. UNHCR also supported 70,000 IDPs to digitize and preserve approximately 70,000 birth certificates in Est's Fada-N'Gourma department.

### **g. Stateless Persons**

To mitigate risks of statelessness, during the year the Directorate General of Civil Status Modernization and UNHCR facilitated the distribution of 29,663 documents to IDPs and members of the host community, including 15,172 declaratory birth certificates. In addition, it issued 14,043 national identity cards and 448 files of persons at risk of statelessness, which were identified and referred to the judiciary to produce nationality certificates. Stateless women were 52 percent of the total number assisted. UNHCR continued to support the government as part of the deployment of "ICIVIL" technology in the commune of Gourcy (Nord Region) to prevent and reduce the risks of statelessness.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. This right is in doubt since the January coup d'état.

### **Elections and Political Participation**

**Recent Elections:** President Roch Marc Christian Kaboré was reelected to a second five-year term with 57.74 percent of the popular vote in the November 2020 national elections. His party, the People's Movement for Progress, won 56 of the 127 seats in the National Assembly, remaining the largest party in a legislative majority coalition with smaller parties. The Congress for Democracy and Progress, the party of longtime former President Blaise Compaoré, ousted in a popular uprising in 2014, became the largest opposition party with 20 seats. Some leading opposition candidates alleged irregularities and fraud but acknowledged the results and urged a "spirit of political dialogue." National and international observers characterized the elections as peaceful and "satisfactory," while noting logistical problems on election day and a lack of access to the polls for many citizens due to insecurity, including the majority of IDPs of voting age. The government had earlier declared that voting would take place only in areas where security could be guaranteed.

The National Assembly adopted a bill in 2020 to modify the electoral law. This new electoral law stipulates that in the event of force majeure or exceptional circumstances duly noted by the Constitutional Council, resulting in the impossibility of organizing the elections in a part of the territory, the elections shall be validated on the basis of results from those polling stations open on election day. This modification, which was approved with the support of the ruling coalition as well as key segments of the parliamentary opposition, was nonetheless criticized by part of the political class and civil society organizations, since it allows for the exclusion of many voters living in insecure areas of the country.

The country experienced a coup d'état on January 24 and subsequent military putsch on September 30. Owing to a range of problems from inability to curb rising terrorism and the associated rapidly increasing number of internally

displaced persons, a perception of corruption, as well as a suppression of access to free speech, military officers led by Lieutenant Colonel Paul Henry Damiba forcibly unseated the democratically elected government of former President Roch Marc Christian Kabore and dissolved the government and National Assembly on January 24. The country experienced again an abrupt change of leadership on October 2. On September 30, Captain Ibrahim Traore led a faction within the military junta to unseat Damiba who was also perceived as not having made adequate progress in improving the security environment or humanitarian situation. The transition authorities agreed to end the transition by July 2024.

**Political Parties and Political Participation:** Prior to the January coup, political parties generally operated freely. In September 2020 the Minister of Territorial Administration, Decentralization, and Social Cohesion, in application of the electoral code, made public the list of political parties authorized to participate in the November 2020 presidential and legislative elections. According to the communique, 143 political parties and three political formations were legally constituted.

The electoral law still allows all political candidates de jure to run for election and opened the vote to members of the Burkinabe diaspora in possession of a national identity card or passport.

During the military takeovers of January 24 and September 30, the transitional authorities suspended the activities of political parties and civil society organizations. In an October 4 communique, the Ministry of Security clarified that the suspension measure applies only to demonstrations or calls for demonstrations that could lead to public disorder and undermine the strengthening of social cohesion.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women and members of minority groups in the political process, but many members of minority groups did not participate. Parties and government officials stated women were less engaged in politics due to cultural and traditional factors. Although the gender quota law requires political parties to name women to fill at least 30 percent of the positions on their candidate lists in legislative and municipal elections, no political party met this requirement in the November 2020

elections. In March 2020 a new law establishing “zebra lists” mandated that electoral lists alternate names of men and women to better achieve a 30 percent quota. The law includes positive incentives for political parties respecting the quota but no penalties for those who do not abide by the law. Monique Yeli Kam, of the Burkina Rebirth Movement, was the only female candidate among 14 certified as eligible for the November 2020 presidential election. Following the 2020 legislative elections and the formation of a new government, women held 19 of 127 seats in the National Assembly after the elections (compared with 14 women in the previous National Assembly). Of 18,602 city councilors, 2,359 were women.

The government announced by Transition President Damiba included six women of 25 cabinet members, and the successor government of Captain Ibrahim Traore included five women among 23 cabinet members. A Swedish Embassy-supported socio-anthropological study on female leadership published on March 18 found that the number of women in the National Assembly has been less than 10 percent since 1959, except during 2002-14 when it ranged from 11 to 19 percent.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year, including cases of misappropriation, fraud, or other offenses. On July 14, the transition minister of justice launched a hotline, supported by the UN Development Program, to receive anonymous reports of corruption by the judiciary. On March 10, the Higher Authority for State Control and the Fight against Corruption welcomed Philippe Nion as the new state controller general for a one-time four-year term. Nion replaced Luc Marius Ibriga, who served on the body for the past six years.

The NGO National Network for Anti-Corruption cited the customs, police, and General Directorate of Land and Maritime Transport as the most corrupt entities in the government.

**Corruption:** Participating military officers justified the January 24 coup d’état by



a perception of widespread corruption under the governance of former President Roch Kaboré.

On May 9, merchants ransacked and set fire to the gendarmerie checkpoint in the town of Yako, Nord Region, to protest acts of corruption frequently committed by the gendarmes working at the checkpoint.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and somewhat responsive to their views. Nonetheless, the transition government has repeatedly rejected domestic and international human rights groups findings on human rights abuses.

**Government Human Rights Bodies:** During the year the Ministry of Justice and Human Rights organized several training sessions for security forces on the laws of armed conflict, provided assistance to victims of extremist and gender-based violence, and organized antistigmatization and social cohesion campaigns. The government sometimes assigned gendarmes as provost marshals to accompany deployed troops during military operations to verify that detainees were afforded proper treatment and promptly taken before a military magistrate.

The Office of the Ombudsman addresses citizen complaints regarding government entities and other bodies entrusted with a public service mission. The ombudsperson, whom the president appoints for a nonrenewable five-year term and who may not be removed during the term, was generally viewed as effective and impartial.

The government-funded National Commission on Human Rights (*Commission nationale des droits de l'homme* - CNDH) provides a permanent framework for dialogue on human rights concerns. Its members include 15 representatives of human rights NGOs, unions, professional associations, and the government. In March the National Assembly adopted a bill that gives the commission the

authority to act in matters regarding torture, strengthens the independence of commissioners, and, for the first time, sets aside funds to guarantee commissioners' salaries. The bill also authorizes funds to reimburse commissioners for the previous three years' salaries, which had not been paid. On September 13-15, CNDH organized a forum to discuss how to better protect human rights advocates. On December 9, CNDH released its annual report on human rights abuses for 2021. Recommendations of the report included systematic investigation of allegations of forced disappearances and extrajudicial killings, holding trials of alleged terrorists to a reasonable time limits, and reinforcement of court resources for proper case management, and the search for and trial of persons alleged to have recruited children for armed groups.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** According to the penal code, rape is punishable by a prison sentence of seven to 20 years, or 10 to 21 years in case of aggravated circumstances, such as causing mutilation or handicap, and a substantial monetary fine when committed against an adult or minor age 13 years or older. The penalty is 11 to 30 years in prison and even higher monetary fines when the survivor is younger than 13.

Rape was widely underreported in part due to societal taboos and the drawn-out judicial process owing to the overburdened justice system. Gender-based violence was also prevalent, including reports of rape and domestic violence. Media reported that 37 percent of married women had experienced domestic violence in the country.

Survivors of domestic violence seldom pursued legal action due to shame, fear, or reluctance to take their spouses to court. For the few cases that went to court, the Ministry of Justice could provide no statistics on prosecutions, convictions, or punishment. On International Women's Day, March 8, the Ministry of Women, National Solidarity, Family, and Humanitarian Affairs launched a toll-free number for survivors of domestic abuse. According to the head of the center, more than 425 calls were received in the hotline's first two months of operation and 30

survivors received care. A government-run shelter for survivors of gender-based violence housed women and girls, regardless of nationality. In Ouagadougou the ministry assisted survivors of domestic violence at four centers. The ministry sometimes provided counseling and housing for survivors of domestic violence.

The ministry had a legal affairs section to educate women on their rights, and several NGOs cooperated to protect women's rights. To raise awareness of gender discrimination and reduce gender inequalities, the ministry organized numerous workshops and several awareness campaigns mainly in the Nord, Sahel, Est, and Centre-Ouest Regions.

The law makes conviction of "abduction to impose marriage or union without consent" punishable by six months to five years in prison. Conviction of sexual abuse or torture or conviction of sexual slavery is punishable by two to five years in prison. Conviction of these crimes may also carry substantial monetary fines.

The law requires police to provide for protection of domestic violence survivors and their minor children and mandates the establishment of chambers in the High Court with exclusive jurisdiction over cases of violence against women and girls. The law requires all police and gendarmerie units to designate officers to assist women affected or threatened by gender-based violence and to respond to emergencies; however, some units had not complied by year's end. It also mandates the creation of care and protection centers in each commune for gender-based violence survivors and a government support fund for their care. The centers receive survivors on an emergency basis, offer them security, provide support services (including medical and psychosocial support), and, when possible, refer them to court.

**Female Genital Mutilation/Cutting (FGM/C):** The practice of FGM/C is prohibited by law, and those found guilty are liable to a prison sentence of one to 10 years with a substantial monetary fine. If a victim of FGM/C dies following the excision, the sentence increases to a term of 11 to 20 years' imprisonment and an even higher monetary fine. Accomplices are also punishable with penalties. According to the minister of gender and family, the prevalence rate of FGM/C in the country is 18 percent. The Boucle du Mouhoun Region is ranked first in terms of prevalence with 33.7 percent, the Hauts-Bassins Region is second with 31.9

percent, the Nord Region is third with 31.7 percent, and the Centre Region is fourth with 29.5 percent. Some arrests were reported.

Media reported some FGM/C cases. An investigation was underway to identify any perpetrators and accomplices. On January 13, the Manga Court sentenced five women to between three and 12 months' imprisonment with a suspended sentence as accomplices and a fine of 500,000 CFA francs (\$900) for having excised four girls ages four and 12 in the village of Sidtenga, Centre-Sud Region.

The transition government continued to fund and operate a toll-free number to receive anonymous reports of the practice. The government continued to fund the Permanent Secretariat of the National Council for the Fight against the Practice of Excision. On March 25, the transition government finalized a campaign aimed at reducing FGM/C as part of its official Women's History Month programming. Some 250 women from around the country took part in the program, aimed at raising awareness of the harmful effects of FGM/C. On March 17 at a public ceremony in Kaya, 200 new villages in the Centre-Nord Region made a public commitment to abandon FGM/C as part of a UNICEF funded project, "Building community consensus to end child marriage, FGM/C and violence against children in the Centre-Nord Region." According to the project implementer, 5,083 local communities committed to abandoning the practice since the project began in 2003.

**Other Forms of Gender-based Violence:** In the Centre-Est and Nord Regions, primarily in rural areas, self-proclaimed traditional healers performed rituals in which participants denounced others as "witches" whom they held responsible for their misfortune. Those accused, often elderly women, and less frequently men, were sometimes tied up, humiliated, beaten, brutalized, banned from their villages, or killed. Widows were disproportionately accused of witchcraft by male relatives, who then claimed their land and other inheritance. The law, which was seldom enforced, makes the physical or moral abuse of women or girls accused of witchcraft punishable by one to five years in prison, a substantial monetary fine, or both.

On August 11, a couple was chased out of the village of Saba, Passoré province, Nord Region for allegations of witchcraft. Their homes and property were

destroyed by the population.

**Sexual Harassment:** The law provides for sentences of three months to one year in prison and a substantial monetary fine for conviction of sexual harassment; the maximum penalty applies if the perpetrator is a relative or in a position of authority, or if the survivor is “vulnerable.” The government was ineffective in enforcing the law. Owing to social taboos, survivors rarely reported sexual harassment.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Government and private health centers were open to all women and offered reproductive health services, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases. Family planning services were free in all public health facilities. Remote villages, however, often lacked these facilities or did not have adequate transportation infrastructure to permit easy access.

According to a March survey, modern contraceptive prevalence among women in union increased from 28 percent in February 2020 to 32 percent in March. The survey revealed an increase in unavailability for certain methods such as the implant, the pill, and the male condom in health facilities in the first quarter of the year compared with 2020. The survey revealed unmet reproductive needs dropped from 32 percent to 17 percent between December 2014 and March.

Geographical distance, illiteracy, insufficient capacity of providers, lack of medical supplies, and religious and social beliefs regarding the negative effects of contraceptive methods were the main barriers to access to contraception. Women’s limited decision-making power and men’s lack of support for and understanding of family planning were also barriers to access to contraception.

The government worked with international and local aid organizations to provide access to sexual and reproductive health services for IDPs.

The country’s volatile security situation impacted women’s and girls’ sexual and reproductive health needs because 12 percent of the health centers in the Nord,

Sahel, and Est Regions closed due to insecurity.

In 2016, according to the National Institute of Statistics and Demography, the maternal mortality rate was 320 deaths per 100,000 live births. According to the UN Population Fund, between 2014 and 2019, 80 percent of births were attended by skilled health personnel. Among the leading causes of maternal deaths were hemorrhage (30 percent) and infection (23 percent).

The government's official midwifery curriculum included components on the prevention of FGM/C and care for women and girls affected by it.

**Discrimination:** Although the law generally provides the same legal status and rights for women as for men, including under family, labor, property, and inheritance laws, discrimination frequently occurred. Labor laws provide that all workers, male and female, should receive equal pay for equal working conditions, qualifications, and performance. Women nevertheless generally receive lower pay for equal work, have less education, and own less property. There are legal restrictions on women's employment under certain working conditions and in the same occupations and industries as men.

Although the law provides equal property and inheritance rights for women and men, land tenure practices emphasize family and communal land requirements more than individual ownership rights. As a result, authorities often deny women the right to own property, particularly real estate. Many citizens, particularly in rural areas, hold to traditional beliefs that do not recognize inheritance rights for women and regarded a woman as property that could be inherited upon her husband's death.

According to a leader of a human rights organization, the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community faced much stigma due to a state of "legal ambiguity" in which the government allowed the community to linger. The government has not legally responded to societal violence and discrimination against LGBTQI+ persons, which puts them in a state of constant harassment.

## **Systemic Racial or Ethnic Violence and Discrimination**

Long-standing conflicts between Fulani (Peuhl) herders and sedentary farmers of other ethnic groups sometimes resulted in violence. Incidents were commonly triggered by herders allowing their cattle to graze on farmlands or by farmers attempting to cultivate land set aside by local authorities for grazing. Government efforts at dialogue and mediation contributed to a decrease in such incidents.

Allegations continued of killings, physical abuse, and other human rights abuses by state-sponsored militias, particularly against the Fulani community (see section 1.g.). The transition government made statements condemning violence, ethnic discrimination, and the stigmatization of communities, but did not always hold abusers accountable.

Many observers, including CISC, noted an ethnic dynamic underscoring the violence in the country. Armed groups often recruited from the Fulani community, while most men allegedly killed by state-sponsored militias were Fulani because of their perceived support of extremist groups.

There were reports the state-sponsored militias did not incorporate Fulani into their ranks, nor did Fulani seek to be included among the militias. This dynamic underscored the precarious situation for the Fulani, who lacked security in their community but were excluded from the state's security effort, thereby fueling a perception of or actual marginalization among the Fulani. The transition government conducted media campaigns to change attitudes toward the Fulani community. It sponsored several media outreach efforts and awareness campaigns against the stigmatization of ethnic groups.

During the year, in addition to targeted killings of Fulani community members, incidents of hate speech circulated via audios on social networks promoting ethnic discrimination, including calls to kill Fulani. On June 23, the government called on the entire population to refrain from using social media to spread messages that may incite hate or ethnic violence, and strongly condemned such statements, indicating it is investigating those responsible. During a June visit to a military detachment in Mangodara, Sud-Ouest Region, former transition President Damiba warned security forces of the dangers of targeting members of certain ethnic

groups.

## **Indigenous Peoples**

Indigenous persons and their institutions sometimes participated in decisions affecting their land. Exploitation of natural resources near Indigenous land endangered the welfare and livelihoods of Indigenous communities. Local populations near mining sites in the Est and Centre-Nord Regions expressed their grievances to mining companies. On September 14, a court convicted two executives, one from Canada-based Trevali Mining Corporation, and the other from its contractor, of involuntary manslaughter for the death of eight miners between April and June. On April 16, heavy rains caused flash floods within the mine's underground galleries when eight miners were trapped and found dead after weeks of rescue efforts.

## **Children**

**Birth Registration:** Citizenship derives either from birth within the country's territory or through a parent. Parents generally did not register births immediately, particularly in the rural areas; lack of registration sometimes resulted in denial of public services, including access to school. To address the problem, the government periodically organized registration drives and issued belated birth certificates.

**Education:** The law provides for compulsory schooling of children until age 16. Nevertheless, many children did not attend school. Targeted attacks on schools and insecurity forced thousands of schools to close (see section 1.g.). Parents often had to pay their children's school fees as well as provide their uniforms and supplies. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, shortages of teachers and instructional materials, and lack of school feeding programs. Girls' enrollment was lower than that of boys at all levels due to poverty, a cultural preference to educate boys, the early marriage of girls, and sexual harassment of girls.

Many children attended Quranic schools. Educators forced some children, sent to Quranic schools by their parents, to engage in begging (see section 7.c.).



**Child Abuse:** The penal code provides for a prison sentence of one to three years with a substantial fine for those found guilty of inhuman treatment or mistreatment of children. In 2019 the government launched a *National Child Protection Strategy* to create a strengthened institutional, community, and family environment to ensure effective protection for children by 2023.

**Child, Early, and Forced Marriage:** The law prohibits forced marriage and provides for prison sentences ranging from six months to two years for offenders, and a three-year prison sentence if the survivor is younger than age 13. According to media reports, however, the traditional practice persisted of kidnapping, raping, and impregnating a girl and then forcing her family to consent to her marriage to her violator. NGOs reported that minors, especially girls, were kidnapped on their way to school or to market and forced into early marriage.

According to the family code, “marriage can only be contracted between a man older than age 20 and a woman older than 17, unless age exemption is granted for serious cause by the civil court.” Nonetheless, data from UNICEF indicated that 10 percent of women were married before age 15 and 52 percent of women before 18. While early marriage occurred throughout the country, the NGO Plan International reported that some of the highest rates of early marriage were 83 percent in the Sud-Ouest Region, 83 percent in the Centre-Nord Region, and 72 percent in the Centre-Est Region.

**Sexual Exploitation of Children:** The law provides penalties for conviction of child pornography of five to 10 years’ imprisonment, a substantial monetary fine, or both. The minimum age of consensual sex is 15. The law criminalizes the sale of children, child commercial sexual exploitation, including child sex trafficking, and child pornography. Children from poor families were particularly vulnerable to sex trafficking. The government did not report any convictions for violations of the law during the year. The penal code prescribes penalties of 11 to 20 years’ imprisonment and a substantial monetary fine for sex trafficking involving a victim 15 years or younger. It also prescribes five to 10 years’ imprisonment and substantial monetary fines for sex trafficking involving a victim older than 15.

**Infanticide, Including Infanticide of Children with Disabilities:** The law provides for a sentence of 10 years to life imprisonment for infanticide.

Newspapers reported an increase in the number of cases of abandonment of newborn babies by IDP women in Kaya, Centre-Nord Region, a city that hosts a portion of the IDPs in the country. According to those women, extreme poverty and the categorical rejection of children from rape by violent extremists or other civilians are the main reasons of abandonment of newborn babies.

**Displaced Children:** Recurrent armed attacks displaced hundreds of thousands of children. According to the National Emergency Relief Council, women and children accounted for 83 percent of IDPs (see section 2.e.).

## **Antisemitism**

There was no known Jewish community and no reports of antisemitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No laws explicitly criminalized same-sex sexual conduct or identity.

**Violence against LGBTQI+ Persons:** The government did not respond to societal violence or discrimination against LGBTQI+ persons. LGBTQI+ rights advocacy groups often counseled members of the community to conceal their sexual orientation or gender identity, to protect them from violence. Efforts to report violence against LGBTQI+ persons were not taken seriously by police or gendarmes. There were reports of rape and physical abuse of prisoners based on sexual orientation or gender identity. Victims of violence who were targeted by family members because of sexual orientation or gender expression sometimes did not seek treatment or help from social services, for fear of further ostracization or violence. The country has no hate crime laws or other criminal justice mechanisms to aid in the investigation, prosecution, or sentencing of bias-motivated crimes

against the LGBTQI+ community.

**Discrimination:** LGBTQI+ persons faced discrimination in access to health care, employment, housing, and spaces for social gathering. Members of the LGBTQI+ community were fired from their jobs, both in the private sector or government, when employers became aware of their sexual orientation.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available. Further, transgender persons did not have access to medical services related to gender transition, leading some to travel to Cote d'Ivoire or Togo for treatment. Others reportedly took hormone therapy without the supervision of a doctor.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** Strong societal and cultural taboos dissuaded many LGBTQI+ persons from revealing their identity publicly or even privately. Human rights NGOs made no public reports of so-called conversion therapy.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** LGBTQI+ persons faced restrictions on their freedom to associate and assemble and were often excluded from gathering in public or commercially owned spaces. NGOs are required to register with the government, but some LGBTQI+ organizations reported they had to use obfuscating names or mission statements to obtain that registration.

## **Persons with Disabilities**

Persons with disabilities encountered discrimination and could not access education, health services, public buildings, and transportation on an equal basis with others. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, the judicial system, or the provision of other state services. There is legislation to provide persons with disabilities less costly or free health care and access to education and employment. The law also includes building codes to provide for access to government buildings. The government did not effectively enforce these provisions.

The government had limited programs to aid persons with disabilities, but NGOs and the National Committee for the Reintegration of Persons with Disabilities conducted awareness campaigns and implemented integration programs.

The government continued to arrange for candidates with vision disabilities to take the public administration recruitment exams by providing the tests in braille. Additionally, authorities opened specific counters at enrollment sites to allow persons with disabilities to register more easily for public service admission tests. According to the Ministry of Education, children with disabilities attended school at lower rates than others, although the government provided for limited special education programs in Ouagadougou.

## **Other Societal Violence or Discrimination**

Societal discrimination against persons with HIV and AIDS continued to be a problem and prohibited some individuals from receiving medical services due to fear of harassment. Families sometimes shunned persons who tested positive and sometimes evicted wives with HIV from their homes, although families did not evict their husbands with HIV. Some property owners refused to rent lodgings to persons with HIV and AIDS. The government distributed free antiretroviral medication to some persons with HIV who qualified according to national guidelines.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and provides unions the right to conduct their activities without interference.

Nonetheless, restrictions in domestic law limit the exercise of these rights. For example, the law places restrictions on the labor rights of public employees such as magistrates, police, military, and other security personnel considered essential public servants. The law significantly limits the right to strike. For strikes that call on workers to stay home and that do not entail participation in a rally, the union is required to provide eight to 15 days' advance notice to the employer. If unions call

for a march, they must provide three days' advance notice to the city mayor. Authorities hold march organizers accountable for any property damage or destruction that occurs during a demonstration. The law strictly prohibits all strikes that include occupying the workplace, including nonviolent strikes. The law also gives the government extensive requisitioning powers, authorizing it to requisition private- and public-sector workers to secure minimum service in essential services. The government defined essential services more broadly than international standards, including services such as mining and quarrying, university centers, and slaughterhouses.

The law prohibits antiunion discrimination and allows a labor inspector to reinstate immediately workers fired because of their union activities. Relevant legal protections cover all workers, including migrants, workers in the informal sector, and domestic workers. International organizations reported that contract workers and agency workers faced antiunion discrimination from employers. The government did not effectively enforce the law. The law lists sanctions for violations, including warnings, penalties, suspension, or dissolution. Penalties consist of imprisonment and fines and vary depending on the gravity of the violation. Penalties were less than with those for comparable offenses. Amendments to the law award a legal existence to labor unions and NGOs, create a commission of mediation, and require that associations abide by the law concerning funding terrorism and money laundering. The law also states that no one may serve as the head of a political party and the head of an association at the same time.

The government generally respects freedom of association and the right to collective bargaining. The government generally respects the right of unions to conduct activities without interference. Unions have the right to bargain directly with employers and industry associations for wages and other benefits. Worker organizations are independent of the government and political parties. There were no reports of strikebreaking during the year. Government resources to enforce labor laws were not sufficient to protect workers' rights. Penalties were rarely applied against violators.

Employers did not always respect freedom of association and sometimes discouraged union membership. For example, workers in the mining industry were

often intimidated, transferred, or fired when they chose to join a union. According to union officials, workers in the domestic service, contract worker, or informal sector who attempted to join unions lost their jobs if their employers learned of their action.

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector, where workers utilized complaint processes to report worker rights violations. National unions reported that domestic workers, workers hired through employment agencies and subcontractors, and other contract workers were fired for joining unions and were unable to utilize complaint mechanisms because they were employed in the informal wage sector. No official records counted violations in the informal sector.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes most forms of forced or compulsory labor. The law considers forced or compulsory any labor or service provided by an individual under the threat of any type of sanction and not freely offered. The International Labor Organization (ILO) has noted with concern and called for amendment of the penal code that allows participants and organizers of “illicit” demonstrations or peaceful strike actions to be imprisoned with compulsory prison labor. The government did not effectively enforce applicable laws. The government did not have a significant, effective program in place to address or eliminate forced labor. There were no reported forced labor prosecutions or convictions. The government continued to conduct antitrafficking advocacy campaigns and operated a toll-free number for individuals to report cases of violence and human trafficking. Penalties for forced labor were commensurate with those for comparable offenses, such as kidnapping.

Forced child labor occurred in the agricultural (particularly cotton), domestic labor, forced begging, and animal husbandry sectors, as well as at gold panning sites and stone quarries. Women from other West African countries were fraudulently recruited for employment and subsequently subjected to sex trafficking, forced labor in restaurants, or domestic servitude in private homes. Traffickers also exploited Burkinabe women in domestic servitude in the Middle East.

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or having other communicable diseases, or social status with respect to employment and occupation. The government did not effectively enforce the laws and regulations. Penalties were commensurate with those for comparable offenses but were seldom applied. Although the constitution provides for gender equality, legal restrictions remain on women's employment in occupations deemed arduous or "morally inappropriate" and in industries such as construction. Women were forbidden from doing work that was determined to have a health risk for their health or reproductive capacity.

Discrimination occurred based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or having other communicable diseases, or social status with respect to employment and occupation. Women were paid less than men for equal work and prohibited from holding certain positions (see section 6), and women's unequal access to education and employment limits women's upward mobility. Persons with disabilities faced discrimination in hiring and access to the workplace. The government took few actions during the year to prevent or eliminate employment discrimination.

### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law mandates a minimum monthly wage in the formal sector, which does not apply to subsistence agriculture or other informal

occupations. The minimum wage was less than the poverty income level, that is 30,684 CFA (\$47) per month.

The law mandates a standard workweek of 40 hours for nondomestic workers and a 60-hour workweek for household employees. The law provides for overtime pay, and there are regulations pertaining to rest periods, limits on hours worked, and prohibitions on excessive compulsory overtime. Employers often paid less than the minimum wage. Employees usually supplemented their income through reliance on extended family, subsistence agriculture, or trading in the informal sector.

**Occupational Safety and Health:** Existing occupational safety and health (OSH) standards provide general, not industry-specific guidance, and do not actively identify unsafe conditions in particular industries. Although the labor law requires employers to take measures to provide for worker safety, to protect the physical and mental health of their workers, and to verify that the workplace, machinery, materials, substances, and work processes under their control do not present health or safety risks to the workers, the ILO noted in 2020 that the government had not yet formulated a national OSH policy, conducted periodic reviews, nor developed a national OSH program.

The law requires every company with 30 or more employees to have a work safety committee. The law provides that employees in such companies have the right to remove themselves from dangerous situations without jeopardy to their employment. If an employee working for a company with fewer than 30 employees decides to remove himself or herself due to safety concerns, a court rules on whether the employee's decision was justified.

No official data were available on work-related injuries or death, but police reported in September the death of seven informal gold miners and injuries to others when the miners entered the closed Bissa gold mine in northern Bam. In February officials reported the death of some 60 persons in a dynamite explosion at a makeshift gold mine in the southwest of the country. Mining officials noted increasing mining accidents related to illegal gold mining as well as multiple terror attacks targeting and killing hundreds of workers at mining sites or mining convoys.



**Wage, Hour, and OSH Enforcement:** The Ministry of Civil Service, Labor, and Social Security is responsible for enforcing the minimum wage and hours of work standards. Ministry inspectors and labor tribunals are responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards do not apply in subsistence agriculture and other informal sectors.

The government did not effectively enforce the law. Penalties for violations were commensurate with those for comparable offenses, but the penalties were seldom applied. Inspectors lacked transport and training, and the number of inspectors was insufficient. There were no reports of effective enforcement of inspection findings during the year for wage, hour, and safety regulations.

**Informal Sector:** The labor law applies to the informal sector and part-time workers, but it was seldom enforced. Workers in the informal sector represented more than 80 percent of all workers and contributed approximately 50 percent of all economic production. Almost all economic activity outside of the gold and cotton industries was small-scale and informal work. Informal-sector work included subsistence agriculture, trade, services, hotels, tourism, artisanal mining, transport, and private education. Researchers noted the strong participation of women in the informal sector, including in activities such as market trading, manufacturing millet beer (*dolo*), selling fruit and vegetables, sewing, hairdressing, managing kiosks, and operating restaurants. Informal workers were more vulnerable to violations of wage, overtime, and OSH standards. Because they were largely self-employed and worked for their own subsistence, they could not benefit from worker protections. The government has implemented programs that could benefit informal workers with financing and vocational training, such as the Informal Sector Support Fund, Employment Creation Support Fund, and frameworks for universal health insurance and unemployment. Most informal workers are unable to meet the required contributions to access health insurance schemes or other official social protection schemes. Safety violations were prevalent in the informal sector, especially in the mining, construction, and agricultural sectors.